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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/762,562	01/23/2004	Gil M. Vardi	021617.0213D1US

CONFIRMATION NO. 3207

FORMALITIES LETTER



OC000000013281751

32042
 PATTON BOGGS LLP
 8484 WESTPARK DRIVE
 SUITE 900
 MCLEAN, VA 22102

Date Mailed: 07/20/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 was not received.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Gil M. VARDI et al.

Group Art Unit:3737

Serial No.: 10/762,562

Examiner: Unassigned

Filed: January 23, 2004

Docket No.: 021617.0213D1US

For: CATHETER WITH ATTACHED FLEXIBLE SIDE SHEATH

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

☒ Box Missing Parts
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application(Filing Date Granted) dated July 20, 2004, applicants hereby submit the following:

1. Return copy of Notice to File Missing Parts;
2. copy of date-stamped postcard showing receipt by the PTO of copy of declaration from parent application 09/455,299 WITH FILING OF THIS APPLICATION;
3. copy of Declaration, supplied to the PTO with filing of subject application, and again on June 18, 2004 with Response to Notice to File Missing Parts;
4. copy of Response to Notice to File Missing Parts of April 27, 2004, filed June 18, 2004, and related attachments.

Applicants filed a copy of the Declaration from parent application serial number 09/455,299 with the subject application papers, on the filing date of this application, namely January 23, 2004.

On April 27, 2004, the Patent Office issued a Notice to File Missing Parts, indicating that no Declaration had been received with this application. Applicants submitted another copy of the

Declaration with the Response to Notice to File Missing Parts on June 18, 2004. In addition, Applicants supplied a copy of the date-stamped PTO postcard listing the declaration submitted at filing.

On July 20, 2004, ANOTHER Notice to File Missing Parts was issued, indicating that the Declaration fee of \$65.00 (small entity) had not been received. Applicants are not enclosing this fee. **This fee has been erroneously charged by the Patent Office on TWO separate occasions.** This fee is **not due the PTO**, as the Declaration from parent application 09/455,299 was **filed with this application**, and has been supplied on TWO subsequent occasions since then.

Applicants respectfully request that the Patent Office withdraw the current Notice to File Missing Parts, which issued due to PTO error, and allow this application to proceed to examination.

Respectfully submitted,

Date July 28, 2004
PATTON BOGGS LLP
Customer Number: 32042
Telephone: (703) 744-7907
Facsimile: (703) 744-8001

By Michele Van Patten Frank
Michele Van Patten Frank
Attorney for Applicant
Registration No. 37,028



Attorney Docket No. 21617.213D1US

Receipt is hereby acknowledged of the following:

Applicants: Gil M. Vardi et al.

Serial No.: Not Yet Assigned

Filing Date: Concurrently Herewith

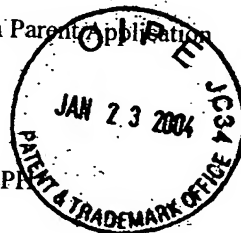
For: CATHETER WITH ATTACHED FLEXIBLE SIDE SHEATH

1. Utility Application Transmittal(1p)
2. Specification (9p); Claims(5p); Abstract (1p); Drawings(13 pages with figures 1,2A,2B, 3-5,6A,6B,7A,7B,8-10);
3. Copy of Executed Declaration and Power of Attorney from Parent Application No. 09/455,299

Date Due:

Date: January 23, 2004

Return to: MVF/LPH



Attorney Docket No. 21617.213D1US

Receipt is hereby acknowledged of the following:

Applicants: Gil M. Vardi et al.

Serial No.: Not Yet Assigned

Filing Date: Concurrently Herewith

For: CATHETER WITH ATTACHED FLEXIBLE SIDE SHEATH

1. Utility Application Transmittal(1p)
2. Specification (9p); Claims(5p); Abstract (1p); Drawings(13 pages with figures 1,2A,2B, 3-5,6A,6B,7A,7B,8-10);
3. Executed Declaration and Power of Attorney from Parent Application No. 09/455,299

Date Due:

Date: January 23, 2004

Return to: MVF/LPH

00727 U.S. PTO
10/762562



012304

PLEASE HOLD FOR SERIAL NUMBER AND RETURN.

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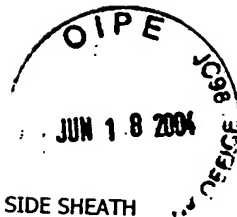


Patton Boggs LLP

Attorney Docket No. 021617.0213D1US

Receipt is hereby acknowledged of the following:

Applicant: Gil M. Vardi et al.
Serial No.: 10/762,562
Filing Date: 01/23/2004
For: CATHETER WITH ATTACHED FLEXIBLE SIDE SHEATH



1. Response to Notice to File Missing Parts of Application (2 pages)
2. Fee Transmittal (1 page)
3. Copy of Declaration/Power of Attorney filed with parent application 09/455,299 (4 pages)
4. Copy of date-stamped postcard showing PTO receipt of copy of declaration with filing of subject application (1 page)
5. Return copy of Notice to File Missing Parts of Nonprovisional Application (2 pages)
6. 13 Sheets (Figs. 1-10) of substitute drawings

Today's Date: June 18, 2004

Return to: MVF:ljp
Reviewed by: SWC

****PLEASE DATE STAMP AND RETURN****

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